UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,307	08/30/2001	James H. Falkner	SUN-P6376-PIP	2167

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EXAMINER
PWU, JEFFREY C

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,6-12,14-20 and 22-24</u> is/are rejected.

7)☒ Claim(s) <u>5, 13, 21</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Foster** (U.S.

6,675,382)

Foster teaches claims

1. A method to facilitate automated software installation on a remote computer over the Internet,

comprising:

        initializing the remote computer with a custom operating system (col.7, line 35-col.8, line

55), wherein the custom operating system allows access to the remote computer over the

Internet, wherein the custom operating system determines the location of an archive, downloads

the archive, installs the archived software and restarts the remote computer; (col.12, lines 47-54)

        providing an archive locator to the remote computer, wherein the archive locator is one

of, a uniform resource locator (URL) and a proprietary resource locator; (col.12, lines 48-54)

        requesting an archive from a site specified by the archive locator, wherein the archive

includes an operating system and desired software packages preconfigured for the remote

computer; (col.12, lines 48-54)

downloading the archive to the remote computer from the site specified by the archive

locator; and (col.12, lines 48-54)

re-initializing the remote computer with the operating system and software packages in

the archive. (col.9, lines 22-47; claim 1)

2. The method of claim 1, further comprising loading the custom operating system into the

remote computer during installation of the remote computer. (step 440, post install, col.9, lines

22-47)

3. The method of claim 1, further comprising initializing the remote computer automatically with

the custom operating system when power is applied to the remote computer. (col.9, lines 22-47)

4. The method of claim 1, further comprising: creating the archive; storing the archive at a site

on the Internet accessible using the archive locator; and upon receiving an authorized request for

the archive from the remote computer, downloading the archive to the remote computer. (col.9,

line 18-col.10, line 47)

7. The method of claim 1, wherein providing the archive locator includes providing the archive

locator over the Internet. (see payload file 210)

8. The method of claim 1, wherein providing the archive locator includes providing the archive

locator in a command line parameter during initialization of the remote computer. (see payload

file 210)

9. A computer-readable storage medium storing instructions that when executed by a computer

cause the computer to perform a method to facilitate automated software installation on a remote

computer over the Internet, the method comprising: initializing the remote computer with a

custom operating system, wherein the custom operating system allows access to the remote

computer over the Internet, wherein the custom operating system determines the location of an

archive, downloads the archive, installs the archived software and restarts remote computer;

providing an archive locator to the remote computer, wherein the archive locator is one of, a

uniform resource locator (URL) and a proprietary resource locator; requesting an archive from a

site specified by the archive locator, wherein the archive includes an operating system and

desired software packages preconfigured for the remote computer; downloading the archive to

the remote computer from the site specified by the archive locator; and re-initializing the remote

computer with the operating system and software packages in the archive. (col.12, lines 47-54;

col.9, lines 22-47; claim 1)

10. The computer-readable storage medium of claim 9, the method further comprising loading

the custom operating system into the remote computer during installation of the remote

computer. (col.9, lines 22-47)

11. The computer-readable storage medium of claim 9, the method further comprising

initializing the remote computer automatically with the custom operating system when power is

applied to the remote computer. (col.9, lines 22-47)

12. The computer-readable storage medium of claim 9, the method further comprising: creating

the archive; storing the archive at a site on the Internet accessible using the archive locator; and

upon receiving an authorized request for the archive from the remote computer, downloading the

archive to the remote computer. (col.9, lines 22-47)

15. The computer-readable storage medium of claim 9, wherein providing the archive locator

includes providing the archive locator over the Internet. (col.9, lines 22-47; abstract)

16. The computer-readable storage medium of claim 9, wherein providing the archive locator

includes providing the archive locator in a command line parameter during initialization of the

remote computer. (claim 1)

Claims 17-20 and 23-24 are similarly rejected as in claims 1-5 and 7-8.

Allowable Subject Matter

Claims 5, 13, and 21 are objected to as being dependent upon a rejected base claim, but would be

 allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Response to Arguments

3.   Applicant's arguments filed 1/6/06 have been fully considered but they are not

persuasive. Terminal Disclaimer does not obviate 102(e) Rejection.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

1.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David

Wiley can be reached on 571-272-3923. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/31/06
JEFFREY PWU
PRIMARY EXAMINER